

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

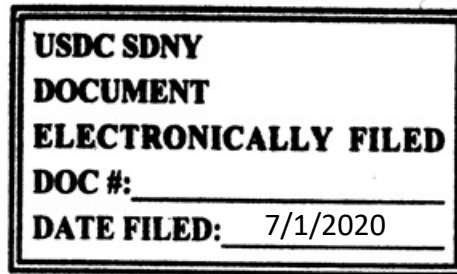
Wen-Hwa Shieh,

Plaintiff,

-against-

New York City Housing Authority,

Defendant.



1:19-CV-5306 (JMF) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Following a telephone conference with the parties,¹ it is hereby Ordered as follows:

1. As Plaintiff indicated during the conference that he intends to move forward with this lawsuit, Plaintiff's motion to temporarily withdraw the litigation (*see* ECF No. 16) is deemed withdrawn.
2. Plaintiff's motion for the appointment of pro bono counsel (*see* ECF No. 20) is DENIED WITHOUT PREJUDICE. At this time, the Court cannot determine whether Plaintiff's claims are "likely to be of substance." *See Hodge v. Police Officers*, 802 F.2d 58, 61 (2d Cir. 1986). Indeed, to the extent Plaintiff's claims are related to his housing conditions, those issues typically are the province of state courts. *See, e.g., Williams v. New York City Hous. Auth.*, No. 07-CV-07587 (RJS), 2009 WL 804137, at *9 (S.D.N.Y. Mar. 26, 2009), *aff'd*, 408 F. App'x 389 (2d Cir. 2010) (granting motion to dismiss federal claims, but noting that the plaintiff's complaints regarding housing conditions may support

¹ In addition, a Mandarin interpreter, provided by NYCHA, participated in the conference at the Court's request. (*See* ECF No. 19.)

claims under New York State law). In any event, Plaintiff may renew his motion on or after the date that NYCHA files its anticipated motion to dismiss.

3. Defendant shall file its anticipated motion to dismiss no later than August 17, 2020. In the interim, the Court encourages NYCHA to work with Plaintiff to resolve his housing-related issues.

A copy of this Order will be mailed to the *pro se* Plaintiff by Chambers.

SO ORDERED.

DATED: New York, New York
July 1, 2020

A handwritten signature in black ink, appearing to read "Stewart D. Aaron", is written over a horizontal line.

STEWART D. AARON
United States Magistrate Judge